

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**1:08-cr-00424-JEC
USA v. Tesler
Honorable Julie E. Carnes**

Minute Sheet for proceedings held In Open Court on 02/24/2009.

TIME COURT COMMENCED: 9:50 A.M.	COURT REPORTER: David Ritchie
TIME COURT CONCLUDED: 12:50 P.M.	CSO/DUSM: CSO Means/DUSM Navarro
TIME IN COURT: 1:12	DEPUTY CLERK: Dee-dee Morris

DEFENDANT(S): [1]Arthur B. Tesler Present at proceedings

ATTORNEY(S) Jon-Peter Kelly representing USA

PRESENT: William McKenney representing Arthur B. Tesler

** David Nahmias & Paige Fitzgerald to added for USA

PROCEEDING
CATEGORY:

Sentencing Hearing(Sentencing Hearing Non-evidentiary);

MINUTE TEXT:

Counsel for defendant Tesler argues for Motion for Downward Variance. US Attorney Nahmias responds in opposition to defendant's Motion and to defendant's colloquy presented yesterday. Tesler's counsel responds to Government. Counsel for Jason Smith addressed the Court to clarify the notion that defendant Smith was not a senior officer and to provide a brief overview of case. Defense counsel for Junnier addressed the Court. Break from 11:40 am to 12:15 pm. Court explains her rationale for sentencing Smith. Defendant Smith sentenced to CBOP 120 months w/ credit for time served; 3 years Supervised Release; \$100 Special Assessment; Restitution \$8180 J&S - See J&C for details. No Objections, Appeal rights given and defendant remanded to USMS. Court explained reasoning for sentencing as to defendant Junnier. Defendant Junnier sentenced to CBOP 72 months w/ credit for time served; 3 years Supervised Release; \$100 Special Assessment; Restitution \$8180 J&S - See J&C for details. No Objections by defendant, Appeal rights given. Court explained reasoning as to Tesler and that she will grant acceptance of responsibility and will vary downward. Tesler is sentenced to CBOP 60 months w/ credit for time served; 3 years Supervised Release; \$100 Special Assessment; Restitution \$8180 J&S - See J&C for details. No Objections by defendant, Appeal rights given. Government objects

to defendant Tesler's sentence and defendant Junnier only being given 40% variance. Defendants Tesler and Junnier remanded to USMS custody.

HEARING STATUS: Hearing Concluded